



# RESOLUTION No. 19-169

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION DENYING THE APPEAL FILED BY JENNIFER D' ANDRADE REGARDING THE PLANNING COMMISSION'S FEBRUARY 28, 2019 APPROVAL OF THE CONDITIONAL USE PERMIT (CUP18-0009), THE AMENDMENT TO THE TENTATIVE PARCEL MAP (AAM18-0002), AND THE SEASONAL AND EPHEMERAL STREAM MANAGEMENT PLAN (MGT18-0019); AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION (EIS18-0012), TO ALLOW OUTDOOR SPECIAL EVENTS ON THE PROPERTY AT 17860 CATTLE DRIVE IN UNINCORPORATED NEVADA COUNTY (APN 051-110-004)**

WHEREAS, on March 9, 2018, Mardalynne Caldwell applied for a Conditional Use Permit to allow up to twenty (20) outdoor events to be held per year with up to 125 guests, on a 15.05-acre privately-owned and developed parcel at 17860 Cattle Drive in unincorporated Nevada County (APN 051-110-004); and

WHEREAS, on October 18, 2018, applications for the Amendment to the Approved Map, and the Seasonal and Ephemeral Stream Management Plan were added to the project to extend the building envelope and to allow the existing driveway to be widened; and

WHEREAS, on February 28, 2019, the Nevada County Planning Commission conducted a public hearing, considered and adopted the Mitigated Negative Declaration, and considered and approved the applications by Mardalynne Caldwell for a Conditional Use Permit, Amendment to an Approved Map, a Seasonal and Ephemeral Stream Management Plan, and an Oak Resources Management Plan. The applications are to allow up to twenty (20) special events per year with up to 125 guests, including event attendees, vendors and employees, at a 15.05-acre parcel that is developed with a single-family residence and accessory structures. All event activities would be outdoors only. The project includes improvements for a 350-square-foot restroom facility, a new septic system, driveway improvements, the installation of a 10,000-gallon water tank for fire suppression, a pathway, curtain drain, an additional driveway off Cattle Drive, a fifty-nine (59) space parking area and landscaping, and two additional ADA-compliant parking spaces. The Amendment to the Approved Tentative Parcel Map (PM16-002) allows the additional building envelope, to include the 59-space parking area; and

WHEREAS, pursuant to Section L-II 5.12.D of the Nevada County Land Use and Development Code, the Planning Commission's approval of the Applications are appealable to the Board of Supervisors within 10 days after the date of the decision; and

WHEREAS, on March 11, 2019, Appellant Jennifer D' Andrade filed a timely appeal of the Planning Commission's decision, and requested that the applications for the Conditional Use Permit, Amendment to the Tentative Parcel Map, and the Seasonal and Ephemeral Stream Management Plan are denied, and to overturn the Planning Commission's decision to adopt the Mitigated Negative Declaration; and

WHEREAS, on March 26, 2019, the Board of Supervisors adopted Resolution 19-125 to accept the appeal as to the Planning Commission's actions on the project and scheduled the appeal for hearing on April 23, 2019; and

WHEREAS, the project was found consistent for approval under Use Permit pursuant to Nevada County Land Use and Development Code Sec. L-II 5.5.2.C findings; the project was found consistent for approval under Corrections and Amendments of Maps and Supplemental Data Documents pursuant to Nevada County Land Use and Development Code Section L-IV 2.18 findings; and the project was found consistent for approval under Watercourses, Wetlands and Riparian Areas pursuant to Nevada County Land Use and Development Code Section L-II 4.3.17; and

WHEREAS, on April 23, 2019, the Board of Supervisors held a duly noticed public hearing at which the Board considered all evidence both oral and written regarding the appeal and denied the appeal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada that it hereby finds and determines that:

1. The facts set forth above are true and correct.
2. That the proposed social event facility for outdoor events is an allowed use, subject to approval of a Use Permit, and is consistent with the purposes of the General Agricultural zoning district, which the project site is located.
3. That this project as conditioned and mitigated, and with the original design of the parking area and landscape plan or with the revised version of the site plan and landscape plan, is consistent with the Nevada County General Plan's goals, objectives, policies, and with the purpose and intent of the RURAL land use designation.
4. That the approved use meets all applicable provisions of the Land Use and Development Code, or the same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards set forth in the Zoning Ordinance, and mitigating the impact of this development on environmentally sensitive resources.
5. That the potential environmental impacts of the project have been adequately reviewed, disclosed and mitigated, pursuant to the project specific Mitigated Negative Declaration (18-0012) as required by the California Environmental Quality Act Guidelines, Section 15074.
6. These findings are supported by substantial evidence in the record, as detailed in this Resolution, in the staff report for the April 23, 2019, appeal hearing before the Board, and as discussed at the hearing. That evidence includes but is not limited to the professional expert advice of staff of the County's Planning Department, County Counsel, as well as the judgment of the Board of Supervisors.
7. The location and custodian of the documents, which constitute the record of these proceedings, is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the appeal of the Appellant and upholds the decision of the Planning Commission to adopt the Mitigated Negative Declaration (EIS18-0012); and approve the Conditional Use Permit (CUP18-0009), the Amendment to the Tentative Parcel Map (AAM18-0002), and the Seasonal and Ephemeral Stream Management Plan (MGT18-0019), for outdoor events at 17860 Cattle Drive in unincorporated Nevada County, based on the findings as set forth herein.

The Clerk of the Board shall mail the Appellant a copy of this Resolution, and any appeal of this decision shall be governed by California Code of Civil Procedure section 1094.6.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of April, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller and Richard Anderson.

Noes: None.

Absent: Susan K. Hoek.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_



Richard Anderson, Chair

4/23/2019 cc: Planning\*